

MARKET STUDY NOTICE

MUSIC AND STREAMING

Notice of proposal not to make a market investigation reference under section 131 of the Enterprise Act 2002

The Competition and Markets Authority (CMA) hereby publishes, for the purposes of section 131A of the Enterprise Act 2002 (the Act), notice of its proposal not to make a reference under section 131 of the Act in relation to music and streaming services.

26 July 2022

Competition and Markets Authority

Notes

1. On 27 January 2022 the CMA published a [market study notice](#), in accordance with section 130A of the Act, that the CMA proposed to carry out its functions under section 5 of the Act in relation to both the supply of music to consumers and the supply of services connected with the supply of music to consumers to consider the extent to which a matter in relation to the supply of those services in the United Kingdom has or may have effects adverse to the interests of consumers, and to assess the extent to which steps can and should be taken to remedy, mitigate or prevent any such adverse effects.
2. The CMA provided details of the market study, including detailed issues on which the market study welcomed responses in writing, in a [Statement of Scope](#) published alongside the market study notice.
3. The market study notice invited any persons wishing to make representations, including on whether the CMA should make a market investigation reference under section 131 of the Act, to do so in writing not later than 17 February 2022.
4. Representations were made to the CMA, within the specified period, to the effect that a reference under section 131 of the Act should be made in relation to certain of the matters specified in the market study notice.
5. Where the CMA has published a market study notice, and has received non-frivolous and non-vexatious representations within the period specified in the notice to the effect that a market investigation reference should be made, but

is proposing not to make a reference, it is required by section 131A(2) of the Act to publish notice of its proposal and consult relevant persons about the proposal, in such manner as it considers practicable, before deciding whether to make a reference.

6. This notice must be published within 6 months of the date on which the CMA published its market study notice. Paragraph 6 of the market study notice specified that the CMA would publish a notice of its proposal and begin the process of consultation under section 131A(2)(b) of the Act no later than 26 July 2022.
7. The CMA is proposing not to make a reference under section 131 of the Act in relation to neither the supply of music to consumers nor the supply of services connected with the supply of music to consumers for the reasons set out in its [market study update paper](#).
8. Pursuant to its duty to consult under section 131A(2)(b) of the Act, the CMA is inviting written comments on its proposal from interested parties by no later than 19 August 2022.

26 July 2022

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Notes

- (i) Representations should be emailed to musicstreaming@cma.gov.uk.
- (ii) A copy of this notice is placed on the CMA webpages